

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )                            8:02CR117  
                                  )  
                                  )  
                                  )                            ORDER  
MACK BROWN,                 )  
                                  )  
Defendant.                    )

Defendant Mack Brown (Brown) appeared on a Report to the Court For Offender Under Supervision (report) (Filing No. 29) on September 23, 2005. Through counsel, Assistant Federal Public Defender Julie B. Hansen, Brown waived his right to a probable cause hearing on the violation of conditions of supervised release. I find from the report there is probable cause Brown has violated the terms of his supervised release, and Brown is held to answer for a final dispositional hearing before the Chief Judge Bataillon.

The government moved for detention. Through counsel, Brown declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Brown's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Brown has failed to carry his burden and Brown should be detained pending a dispositional hearing before Chief Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing in this matter will be held before the Honorable Joseph F. Bataillon, Chief Judge, in Courtroom Number 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on October 25, 2005**. Defendant must be present in person.

2. Defendant Mack Brown is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility.

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 23rd day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge